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OSTER
Researching Services
12897 Colonial Dr • Mt Airy, Md. 21771
301-253-6040

RECORDATION NO 16528-A FILED 1425

January 24, 1990

JAN 24 1990 -9 55 AM

INTERSTATE COMMERCE COMMISSION

Ms. Mildred Lee
Recordations Unit
Interstate Commerce Commission
12th & Constitution Avenue, N.W.
Washington, D.C. 20423

Dear Ms. Lee:

Enclosed is a First Amendment to a Lease of Railroad Equipment dated as of August 15, 1989.

Please file this supplement document as ICC Recordation #16528-A. The filing fee of \$15 is enclosed.

Thank you for your assistance.

Sincerely,

Mary A Oster

Mary Ann Oster
Research Consultant

Enclosures

Copy to Mary A Oster

First Amendment

REGISTRATION NO. 16528 A FILED 1425

to Lease of Railroad Equipment JAN 24 1990 -9 55 AM

Dated August 15, 1989

INTERSTATE COMMERCE COMMISSION

This Amendment entered into this 29th day of December, 1989, by and between HELM FINANCIAL CORPORATION ("Lessor") and DRUMMOND COAL SALES, INC. ("Lessee") to that certain Lease of Railroad Equipment ("Lease") dated August 15, 1989.

NOW, THEREFORE, for and in consideration of the mutual covenants contained in the Lease and this Amendment, the parties agree as follows:

1. The first "WHEREAS" clause of the Lease dated August 15, 1989, is deleted in its entirety and the following "WHEREAS" clause is substituted in lieu thereof:

"WHEREAS", the Lessor hereby represents that it has the right to Lease the one hundred one (101) open top gondola cars more fully described in Annex A hereto (hereinafter call the "Units");

2. The "Annex A" of the Lease dated August 15, 1989 is deleted in its entirety and the attached "Annex A to First Amendment" is substituted in lieu thereof.
3. All other terms and conditions of the Lease dated August 15, 1989 shall remain in full force and effect in the manner stated in the Lease.

IN WITNESS WHEREOF, the Lessor and the Lessee have caused four (4) original counterparts of the First Amendment to be signed as of the date first above written.

HELM FINANCIAL CORPORATION,
a California Corporation,

By: [Signature]

Its: President

DRUMMOND COAL SALES, INC.,
an Alabama corporation,

By: [Signature]

Its: 10-52-89

Annex A
to
First Amendment
to
Lease of Railroad Equipment
Dated August 15, 1989

Equipment Description

One hundred one (101) 4,000 cubic foot, 100-ton capacity, roller bearing, rotary coupled gondola coal railcars built by Transco in 1966.

Equipment Numbers

ATSF 74899 through ATSF 74999

STATE OF CALIFORNIA)
) §
COUNTY OF SAN FRANCISCO)

On this 4th day of January, 1989⁹⁰, before me personally appeared Richard C. Kirchner, to me personally known, who, being by me duly sworn, says that he is President of **HELM FINANCIAL CORPORATION**, that said instrument was signed and sealed on behalf of said corporation and he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.

Karen Staudenmaier
Notary Public

My Commission Expires: July 26, 1993

[Notarial Seal]



STATE OF Alabama)
) §
COUNTY OF Jefferson)

On this 12 day of January, 1989⁹⁰, before me personally appeared Randell A. Lisdale, to me personally known, who, being by me duly sworn, says that he is VP-Admin. of Resurrection Coal Sales, that said instrument was signed and sealed on behalf of said corporation by authority of its President and Directors and he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.

Beverly J. Alexander
Notary Public

My Commission Expires: August 8, 1992

[Notarial Seal]